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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,464	11/20/2001	Gunther Sejkora	366.150	8652

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EXAMINER

TON, ANABEL

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,464

Applicant(s)

SEJKORA ET AL.

Examiner

Anabel M Ton

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 6-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hou et al (5,839,823).
4. Hou discloses at least one lamp (112); a reflector surrounding the lamp (110), a side of said reflector facing towards said lamp being reflecting (150), said reflector being formed with an emission opening for emission of light (Figs 25-28); and an optical element arranged in or before the emission opening for deflecting light beams which enter into and exit from the optical element such that light beams exit from said optical element at an exit angle which is smaller than a predetermined limit exit angle (122), said optical element having a plate-like core of transparent material which is occupied on one side with micro prisms formed by furrows(430), said micro prisms having roots from which said micro prisms taper, said reflector being shaped and arranged with reference to said lamp that in substance only light beams reflected at said reflector can exit said emission opening through said optical element (fig 33).

- Said reflector has an inner side towards said lamp which inner side is formed to be diffusely reflecting (Col 2, line 37);
- The inner side of the reflector is painted white (col. 2, line 38);
- The micro prisms of said optical element are arranged in a matrix-like manner (fig 13);
- The micro prisms have an elongate structure (fig 13)
- A second optical element arranged to deflect light beams which enter into and exit from said second optical element, such that said light beams exit from said second optical element at an exit angle which is less than a predetermined limit exit angle, said second optical element being constructed in the same manner as the optical element; said second optical element being formed with further micro prisms which have an elongate structure, and said second optical element being arranged parallel to said optical element and the micro prisms of said second optical element being directed transversely to the micro prisms of said optical element (fig 2, 142, 122)
- The furrows between the micro prisms are covered over by a reflecting material or are filled with a reflecting material, in order to prevent an entry of the light beams through the furrows into the micro prisms (260).
- A luminaire comprising: an elongated lamp; an elongate reflector configured to surround said lamp, said reflector having an inner side the inner side facing towards the lamp and being formed to be reflecting, said reflector being formed with an emission opening for emission of light; and an optical element arranged

in or before said emission opening, for deflecting light beams which enter into and exit from said optical element at an exit angle which is smaller than a predetermined exit angle; said optical element having, on a light entry side thereof, a plate-like core of transparent material, and having a light exit side which is occupied with micro prisms which are formed by furrows and which taper, starting from roots thereof, said inner side of said reflector being formed to be mirror-reflecting, and said micro prisms having an elongate structure and extending transversely of said lamp (col. 2, line 38, fig 33);

- A luminaire comprising: a first optical element arranged to deflect light beams which enter into and exit from said first optical element to exit from said first optical element at an exit angle which is smaller than a predetermined exit angle, said first optical element having a plate-like core of transparent material which is occupied on a light exit side thereof with micro prisms and furrows, said micro prisms having roots from which said micro prisms taper, said micro prisms of said first optical element having an elongate structure; a second optical element arranged to deflect light beams which enter and exit from said second optical element to exit from said second optical element at an exit angle which is smaller than a predetermined limit exit angle; said second optical element being of the same construction as said first optical element and being formed with micro prisms; the micro prisms of said second optical element likewise having an elongate structure, said second optical element being arranged parallel to the first optical elements and the microprisms of the second optical element

extending transversely to the microprisms of the first optical element (figs 33,13,2)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hou.

- Hou discloses the claimed invention except for two elongated lamps arranged parallel to one another and laterally offset with respect to said emission opening. With regards to the plurality of lamps, it would have been obvious at the time the invention was made to have a plurality of lamps since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art > *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.
- With regards to the lamps being arranged parallel to one another and laterally offset with respect to said emission opening, it would have been obvious at the time the invention was made to arrange the lamps parallel to one another and laterally offset with respect to said emission opening, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japiske*, 86 USPQ 70. Furthermore, such an arrangement is old, well known and well practiced in illumination devices such as backlit or side lit LCD displays.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (703) 305-1084. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Anabel M Ton
Examiner
Art Unit 2875

AMT
July 29, 2002


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800